

REMARKS

The Office Action mailed on April 8, 2004, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-10 were pending. By this paper, Applicant does not cancel any claims and adds claims 11-13. Therefore, claims 1-13 are now pending.

Applicant respectfully submits that the present application is in condition for allowance for the reasons that follow.

Indication of Allowable Subject Matter

Applicant thanks Examiner Omgbga for the indication that claims 4-6, 8 and 10 are allowable.

Request for In-Person Interview

Applicant requests that Examiner Omgbga extend an interview to Applicant's representative at some point during the last two weeks of October, 2004, or during the first week of November, 2004. To this end, Applicant's representative will contact Examiner Omgbga to arrange an interview.

Rejections Under 35 U.S.C. § 102

Claims 1, 2 and 9 stand rejected under 35 U.S.C. §102 as being anticipated by Applicant's Admitted Prior Art (AAPA). Further, claims 1, 3 and 7 stand rejected under the same statute as being anticipated by Bazydola (U.S. Patent No. 5,970,612). In response, in order to advance prosecution, Applicant has amended the claims as seen above, and respectfully requests reconsideration in view of the following.

Rejections in view of the AAPA: Claim 1, as amended, recites a locating unit including a "seating detection element [that] is movable relative to said work seating surface

to detect a seating of said work on said work seating surface.” The AAPA does not contain such a feature. No statement is made or is it implied regarding the AAPA that any alleged seating detection element is movable relative to a work surface. Claim 1 is therefore allowable in view of the AAPA.

Claim 9 recites a method of positioning a work including obtaining a locating pin including “a seating detection element movable relative to said work seating surface.” Applicant submits that claim 9 is allowable in view of the AAPA for the pertinent reasons that make claim 1 allowable as detailed above.

Claim 2 is allowable for at least the reason that it depends from claim 1, an allowable claim.

Rejections in view of the Bazydola: Claim 1, as amended, recites a locating unit including a “work seating surface *fixed* to said locating pin and located in *a fixed place* for a work to be positioned.” (Emphasis added.) In the Office Action, it is alleged that element 20 of Bazydola is “a locating pin 20 having a root portion formed with a work seating surface.” Assuming *arguendo* that element 20 is formed with a work seating surface, any such work seating surface is not located in a fixed place for a work to be positioned, since element 20 moves vertically along element 22 when a works’ weight is applied to element 20, as may be seen from Figs. 6b and 6c, and as is taught at column 4, lines 34-35: “Outer cylinder 20 moves downward around center post 22 when displaced by a cassette.” Thus, claim 1 is allowable for at least this reason. Alternatively, if it is later alleged that element 22 is the locating pin and element 20 is the work seating detection mechanism, then claim 1 is not anticipated by Bazydola because element 20 supports the work at the very top of the pin, and thus there is no “pin having a root portion formed with a work seating surface fixed to said locating pin.”

Claim 7, as amended, recites a “locating pin means having a root portion formed with a work seating surface *fixed* to said locating pin means and located in *a fixed place* for a work to be positioned.” (Emphasis added.) Applicants respectfully submit that claim 7 is

allowable for the pertinent reasons detailed above in regard to claim 1. Reconsideration is respectfully requested.

Claim 3 is allowable at least due to its dependency from claim 1, a claim that is allowable.

New Claims

As seen above, Applicant has added new claims 11-13. Claim 11 is allowable at least due to its dependency from claim 1, an allowable claim. Claim 12 is allowable at least because the alleged locating pin of Bazydola, element 20, does not form “a stationary work seating surface,” and at least because the alleged work seating detection mechanism of the AAPA does not include a “seating detection mechanism [that] is movable relative to said work seating surface.”

Claim 13 is allowable at least because Bazydola does not teach a locating pin having a root portion formed with a work seating surface. In Bazydola, any alleged work seating portion is located at the very top of element 20 or 22. Claim 13 is also allowable in view of the AAPA for at least the reason that any seating detection element is not movable. Entry and allowance of the new claims is respectfully requested.

Conclusion

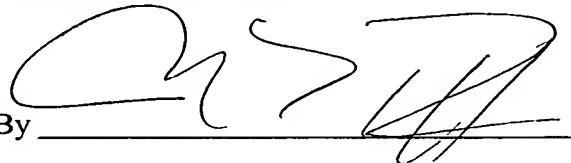
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to

Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Omgba is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

By 

Date Oct 07, 2004
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4747
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Applicant Initiated Interview Request Form

Application No.: 10/014,549 First Named Applicant: NAKAMURA
 Examiner: Essama Omgbia Art Unit: 3726 Status of Application: _____

Tentative Participants:

(1) M.Cosenza (2) Examiner Omgbia
 (3) _____ (4) _____

Proposed Date of Interview: 10/28/2004 Proposed Time: _____ (AM/PM)

Type of Interview Requested:

(1) [] Telephonic (2) [x] Personal (3) [] Video Conference

Exhibit To Be Shown or Demonstrated: [] YES [x] NO
 If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	1-3, 7 and 9 Prior Art	Discussed	Agreed	Not Agreed
(1) _____	_____	_____	[]	[]	RECEIVED []
(2) _____	_____	_____	[]	[]	OCT 18 2004 []
(3) _____	_____	_____	[]	[]	TECHNOLOGY CENTER R3700 []
(4) _____	_____	_____	[]	[]	[]
[] Continuation Sheet Attached					

Brief Description of Arguments to be Presented:

Claims are allowable in view of the cited references. The amended claims differentiate the claimed device from the cited references.

An interview was conducted on the above-identified application on _____.
NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

 Applicant/Applicant's Representative Signature

Martin J. Cosenza

 Examiner/SPE Signature

 Typed/Printed Name of Applicant or Representative

48,892

 Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.